



Express Mail No: EV 419716875 US

<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT</b>	DOCKET NO. XY Frozen RCE	Serial No. - 09/478,299
	APPLICANT (S) John L. Schenk	
	FILING DATE January 5, 2000	ART UNIT - 1654

**I. U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NO	DATE	NAME	CLASS	SUBCLASS	FILING DATE
<i>MM</i>	6,395,305 B1	05/08/2002	Buhr et al.	424	520	09/22/1998


**II. FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NO	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						Yes	No

**III. OTHER DOCUMENTS**

EXAMINER <i>MM</i>	DATE CONSIDERED <i>10/10/06</i>
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	IN THE UNITED STATES	APPLICATION NO:	09/478,299
	PATENT AND TRADEMARK OFFICE	FILINGDATE:	1/5/2000
	INFORMATION DISCLOSURE	FIRSTNAMEDINVENTOR	John L. Schenk
	STATEMENT BY APPLICANT	ARTUNIT:	1654
		EXAMINERNAME:	M. Meller
		DOCKETNO:	22091-701

## I. US PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO. & KIND CODE (if known)	PATENTEE OR APPLICANT NAME	PUBLICATION/ISSUE DATE	Pages, Columns, Lines Where Relevant Passages Or Relevant Drawings Appear
<i>MM</i>	4,559,309	Evenson	12/17/1985	
<i>MM</i>	4,999,283	Zavos et al.	3/12/1991	

## II. FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	Foreign Patent Document Country Code, Number, Kind Code (if known)	PATENTEE OR APPLICANT NAME	PUB'NDATE dd-yyyy	mm-	TRANSLATION Yes No

### III. OTHER REFERENCES



EXAMINER INITIAL	Document
<i>MM</i>	Australian Application No. 17552/01; Monsanto Opposition, Statement of Grounds 03/06/2006
	European Application Number 00980567.9; English Translation of Opposition filed by European Union Parliament 11/5/2005 (Document originally filed in German.)
	European Application Number 00980567.9; English Translation of Opposition filed by Greenpeace 11/02/2005 (Document originally filed German.)
	New Zealand Application Number 530441, Examination Report dated 07/13/2005
	New Zealand Application Number 530441, Letters Patent Number 530441 dated 01/12/2006
	New Zealand Application Number 541086, Examination Report dated 07/13/2005
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	Smorag, Z., et al., Cattle Sex Regulation by Separation of X and Y Spermatozoa - Preliminary Results of Field Experiment in Poland, Reproduction, Fertility and Development 17(2) 306-306; 01/01/2005
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	Lindsey, A.C., et al. Hysteroscopic insemination of low numbers of flow sorted fresh and frozen/thawed stallion spermatozoa, Equine Vet J. 2002 Mar;34(2):106-7.
	Drobnis, E. Z, Cold shock damage is due to lipid phase transitions in cell membranes : a demonstration using sperm as a model, Journal of experimental zoology (J. exp. zool.) 1993, vol. 265, no4, pp. 432-437 (22 ref.)
	Hagele, W.C., et al., Effect of Separating Bull Semen into X and Y Chromosome-bearing Fractions on the Sex Ratio of Resulting Embryos; Cran J. Comp. Med, 1984; 48:294-298
	US Patent Application Number 11/422,735 filed 05/25/2006; Apparatus, Methods and Processes for Sorting Particles and for Providing Sex-Sorted Animal Sperm
	Suh, T.K, et al., Pressure during flow sorting of bull sperm affects post-thaw motility characteristics; Theriogenology Vol. 59, No. 1, January 2003 p 516
Examiner	Date Considered <i>10/10/06</i>
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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT** ( Not for submission under 37 CFR 1.99)

Application Number	09478299
Filing Date	2000-01-05
First Named Inventor	John L. Schenk
Art Unit	1654
Examiner Name	M. Meller
Attorney Docket Number	22091-701

## **U.S. PATENTS**

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	1	4007087		1977-02-08	Ericsson	
	2	7094527		2006-08-22	Seidel, et al.	

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	1	20050244805	A1	2005-11-03	Ludwig, et al.	
	2	20050282245		2005-12-22	Ludwig et al.	
	3	20050214733	A1	2005-09-29	Graham et al.	

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Attorney Docket Number	22091-701	

1	93/17322	WO	A1	1993-09-02	Univ. of Hertfordshire GB	<input type="checkbox"/>
2	2006012597	WO	A2	2006-02-02	Monsanto Technology LLC	<input type="checkbox"/>
3	1471019	UK		1977-04-21	United Aircraft Corp.	<input type="checkbox"/>

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**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T5
1	1	US Nonprovisional Application Number 10/266,562, Filed 10/07/2002; Office Action Dated 08/23/2006	<input type="checkbox"/>
2	2	Rath, D, et al., In Vitro Production of Sexed Embryos for Gender Preselection: High-speed sorting of X-Chromosome-Bearing Sperm to Produce Pigs After Embryo Transfer, J. Anim. Sci. 1999, 77:3346-3352	<input type="checkbox"/>
3	3	Auchtung, T.L., et al., Effects of Photoperiod During the Dry Period on Prolactin, Prolactin Receptor, and Milk Production of Dairy Cows; Journal of Dairy Sci. 88: 121-127; American Dairy Sci. Assoc., 2005.	<input type="checkbox"/>
4	4	Bailey, Tom and Currin, John Milk Production Evaluation In First Lactation Heifers; 1999 Virginia Cooperation Extension/Dairy Science Publication 404-285	<input type="checkbox"/>
5	5	Belloin, J.C., Milk and Dairy products: prduction and processing costs Food and Agriculture Organization of United Nations Rome 1988 FAO; web page where found: www.fao.org/docrep/003/x6931e/X6931E00.htm	<input type="checkbox"/>
6	6	Kume, Shin-ichi; Dept of Animal Nutrition National Institute of Animal Industry Tsukuba 305, Japan THE DAIRY INDUSTRY \$IN ASIA B. JAPAN; www.agnet.org/library/article/eb384b.html	<input type="checkbox"/>

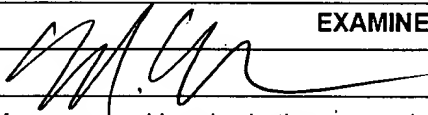
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Attorney Docket Number	22091-701	

7	Crichton, E.; Huffman, S.; McSweeney, K.; and Schenk, J. 347 Artificial Insemination of Lactating Holstein Cows with sexed sperm: Abstract CSORP Publishing - Reproduction, Fertility and Development <a href="http://www.publish.csiro.au/nid/44/paper/RDv18n2Ab347.htm">www.publish.csiro.au/nid/44/paper/RDv18n2Ab347.htm</a>	<input type="checkbox"/>
8	Lopez, H., Caraviello, D.Z., Satter, L.D., Fricke, P.M. and Wiltbank, M.C.; Relationship Between Level of Milk Production and Multiple Ovulation in Lactating Dairy Cows Journal of Dairy Sci. 88:2783-2793; American Dairy Science Association, 2005.	<input type="checkbox"/>
9	Managing the Dairy Cow During the Dry Period; Dairy Cattle Production 341-450A; Macdonald Campus of McGill University/Faculty of Agricultural & Environmental Sciences/Department of Animal Science	<input type="checkbox"/>
10	Milk Production and Biosynthesis University of Guelph/Dairy Science and Technology <a href="http://www.foodsci.uoguelph.ca/dairyedu/biosyntheses.html">www.foodsci.uoguelph.ca/dairyedu/biosyntheses.html</a>	<input type="checkbox"/>
11	MILK PRODUCTION Released 7-18-2006, by the National Agricultural Statistics Service (NASS), Agri. Stats. Board, US Dept of Agri.	<input type="checkbox"/>
12	De Vries, A. Economic Value of Pregnancy in Dairy Cattle Journal of Dairy Sci. 89:3876-3885/American Dairy Sci. Assoc. 2006	<input type="checkbox"/>

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**EXAMINER SIGNATURE**

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